

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

TABETHA KOHLER,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Acting Commissioner of the Social  
Security Administration,

Defendant.

Case No. 3:14-cv-163

Judge Thomas M. Rose  
Chief Magistrate Judge Sharon L. Ovington

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**DECISION AND ENTRY OVERRULING KOHLER’S OBJECTIONS (DOC. 15) AND ADOPTING THE CHIEF MAGISTRATE JUDGE’S REPORT AND RECOMMENDATIONS (DOC. 14) IN THEIR ENTIRETY; AFFIRMING THE COMMISSIONER’S NON-DISABILITY DETERMINATION; AND TERMINATING THIS CASE**

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Plaintiff Tabettha Kohler (“Kohler”) has brought this action pursuant to 42 U.S.C. 405(g) to review a decision of the Defendant Commissioner denying Plaintiff’s application for Social Security disability benefits. On June 15, 2015, the United States Chief Magistrate Judge filed a Report and Recommendations (Doc. # 14), recommending that the Commissioner’s decision that Plaintiff was not disabled and, therefore not entitled to benefits under the Social Security Act, be affirmed. Based upon the reasoning and citations set forth in the Chief Magistrate Judge’s Report and Recommendations (Doc. # 14), Plaintiff’s Objections to the Report and Recommendations (Doc. # 15), a review of applicable law and the Administrative Record (Doc. # 6), the Court adopts the Chief Magistrate Judge’s Report and Recommendations in its entirety. In doing so, the Court orders judgment in favor of the Defendant Commissioner, finding that Plaintiff is not disabled and is not entitled to benefits under the Social Security Act as the Administrative Law Judge’s findings

are supported by substantial evidence. Plaintiff's Objections (Doc. # 14) are overruled.

Accordingly, said decision is affirmed.

In reviewing the Administrative Law Judge's (ALJ) decision, the Court must ask whether the decision is supported by substantial evidence and whether the ALJ applied the correct legal and procedural standards. *Blakey v. Comm'r of Soc. Sec.*, 581 F.3d 399, 405 (6th Cir. 2009). If the ALJ's finding is supported by substantial evidence, it is upheld. 42 U.S.C. § 405.

Upon receiving Objections to the Magistrate's Report and Recommendations, this Court makes a *de novo* review of the record. This requires the Court to examine the record and determine whether the ALJ's findings are supported by substantial evidence. This standard means that a reasonable mind must be able to look at the evidence and determine that it is adequate to support the ALJ's findings. *Blakey*, 581 F.3d at 406 (citing *Warner v. Comm'n of Soc. Sec.* 375 F.3d 387, 390 (6th Cir. 2004)).

Substantial evidence means "more than a scintilla of evidence but less than a preponderance" of evidence. *Rogers v. Comm'r of Soc. Sec.*, 486 F.3d 234, 241 (6th Cir. 2007). The Commissioner's findings must be adopted if they are supported by "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Richardson v. Perales*, 402 U.S. 389, 401 (1971), citing *Consolidated Edison Co. v. NLRB*, 305 U.S. 197, 229 (1938). The Court is not determining whether it would have reached the same decision as the ALJ and this standard is met even if substantial evidence also would have supported the opposite conclusion. *Blakey*, 581 F.3d at 406; *Key v. Callahan*, 109 F.2d 270, 273 (6th Cir. 1997). This means that when substantial evidence supports the arguments of each party, the Court will not reverse the finding of the ALJ regardless of his or her determination. *Blakey* 581 F.3d at 406 (citing *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986)).

Kohler raises two objections to the Chief Magistrate Judge's Report and Recommendations. The first is that the Chief Magistrate Judge improperly agreed with the ALJ in finding that Kohler's migraine headaches did not impair Kohler's capability to perform full-time work. This objection is not well-taken. The Chief Magistrate Judge cites several portions of the record dealing with Kohler's migraine headaches. This support from the record constitutes substantial evidence in support of the ALJ's finding.

Kohler's second objection is that the Chief Magistrate Judge incorrectly adopted the ALJ's finding with regards to Kohler's credibility. As the Chief Magistrate notes, the ALJ drew from several types of evidence in making the credibility determination. Given this evidence used by the ALJ and given that the ALJ is given deference by reviewing courts when it comes to credibility, substantial evidence supports the ALJ's determination.

Therefore, Kohler's objections are **OVERRULED**. The captioned case is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Friday, July 10, 2015.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE